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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,024	11/16/2000	Masato Mitsuhashi	108066-00018	3168

7590 07/22/2004

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EXAMINER

KING, JUSTIN

ART UNIT PAPER NUMBER

2111

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/713,024		MITSUHASHI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Justin I. King		2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for constructing the clock switching circuit with the PLL circuit and flip-flop groups in the claimed structure, does not reasonably provide enablement for preventing the clock switching circuit from producing a hazard by the ratio between the numbers of the flip-flop groups. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The claim language merely states that the number of the second flip-flop group is greater than the number of the first flip-flop group. It does not enable one on how much greater and what the number of the second flip-flop group has to be in order to prevent the so-called hazard.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Yokogawa et al. (U.S. Patent No. 4,872,155).

Referring to claim 5: Yokogawa's invention discloses a PLL circuit including a phase comparator comparing two asynchronized clocks' signals (column 4, lines 47-51), and it further discloses that the PLL generates the clock in synchronism (column 5, lines 4-5); thus, Yokogawa discloses the receiving a PLL clock signal generated from a PLL circuit based on the basic clock signal. Yokogawa further discloses the counting the clock signal number, inhibiting the clock output, and output PLL clock signal after a predetermined number of clock signals (column 4, lines 59-64, column 5, lines 4-6). Hence, claim 5 is anticipated by Yokogawa.

Claims 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Yokogawa et al. (U.S. Patent No. 4,872,155).

6. Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Parmenter et al. (U.S. Patent No. 5,679,353).

Referring to claims 7-8: Parmenter discloses a PLL circuit (figure 2, structure 15) that generates a fast clock (figure 2, node 2X\_CLK2) whose frequency is more than twice as much as a frequency of the basic signal (figure 2, node 17). Parmenter further discloses an inhibiting circuit (figure 2, structures 19 and 21) that inhibits said fast clock by a time (figure 2, the logic circuit node 27, column 2, lines 11-19) when said basic clock disappears in said output in the case of switching said output from said basic clock to the fast clock, or a term which depends on the difference between said frequency of the basic clock and the frequency of the fast clock in the case of switching. Hence, claims are anticipated by the Parmenter.

***Allowable Subject Matter***

7. Claims 1-4 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior arts on record do not disclose or explicitly teach the claimed structure.

***Response to Arguments***

8. In responding to Applicant's argument that the prior art does not disclose the limitations of the claim 5, "counting a number of the basic clock signal after inhibiting outputting the basic clock signals, and outputting the PLL clock signal after the number of the basic clock signal which is a predetermined number" (Remark, page 9, first paragraph): The prior art discloses a counter receiving and detecting the pulse spacing of the clock data (column 4, lines 59-61), which is the claimed counting a number of the basic clock signal after inhibiting outputting the basic clock signals. The prior art further discloses a supply circuit for supplying the PLL circuit with the signal after the predetermined number of clock signals (column 4, lines 62-64) for the PLL circuit to output the synchronized signal (column 5, lines 4-6). Hence, the prior art does disclose the claimed limitations.

9. In responding to Applicant's arguments on the claims 7-8: Please see the 102 Rejections with a different prior art above.

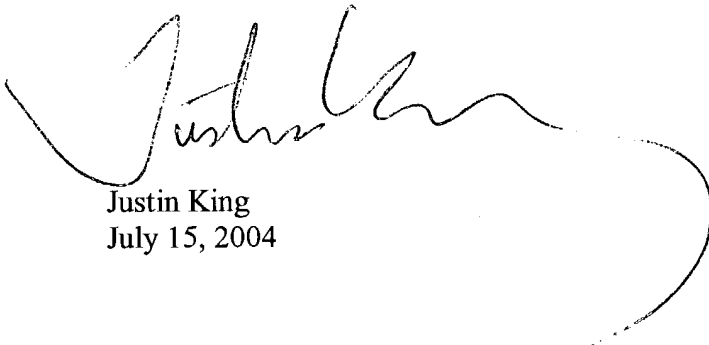
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***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin King whose telephone number is (703) 305-4571. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephones are unsuccessfully, the examiner's supervisor, Mark Reinhart can be reached at (703) 308-3110.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703)-306-5631.



Justin King  
July 15, 2004



XUAN M. THAI  
PRIMARY EXAMINER  
TLC2100